

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 09/625,989	<b>Applicant(s)</b> BROWN, TIMOTHY JOEL	
	<b>Examiner</b> Andy Ho	<b>Art Unit</b> 2194	

**All Participants:**

(1) Andy Ho.

(2) Thomas L. Evans (Reg. No. 35,805).

**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** 23 March 2006

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

**Rejection(s) discussed:**

N/A

**Claims discussed:**

N/A

**Prior art documents discussed:**

6,931,407

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**


*See Continuation Sheet*

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.



**WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER**



(Examiner/SPE Signature)


(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: During the interview, the examiner advised the applicant that the claims of the pending application are in condition for allowance with the condition of filing a terminal disclaimer to obviate possible a double-patenting rejection of the pending claims over the claims in the U.S Patent No. 6,931,407 to the same inventor, Timothy Joel Brown. The applicant agreed to file the terminal disclaimer..

**Certificate Of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at telephone number (571) 273-8300 on May 18, 2006.

Respectfully submitted,

By:   
Thomas L. Evans, PTO Reg. No. 35,805  
BANNER AND WITCOFF, LTD.

Atty. Docket No.  
005156.00011

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Of: Timothy Brown

U.S. Pat. App. No.: 09/625,989

Filed: July 26, 2000

For: A Method For Using A Floating Pallet  
For A Digital Asset Management System In  
A Plurality Of Different Applications

Examiner: A. Ho

Group Art Unit: 2194

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450,  
Alexandria, Virginia 22313-1450

Sir:

On March 21, 2006, Examiner Andy Ho telephoned the undersigned to indicate that the pending claims in this application were allowable over the art of record. Examiner Ho further indicated, however, that it was his intention to issue a double-patenting rejection of the pending claims over the claim in U.S. Patent No. 6,931,407 to Timothy Joel Brown, entitled "System For Using A Floating Pallet For A Digital Asset Management System In A Plurality Of Different Applications," issued August 16, 2005.

U.S. Pat. App. No.: 09/625,989  
Atty. Docket No.: 005156.00011

Applicant respectfully traverses this anticipated rejection. In an effort to expedite prosecution of this application, however, Applicant is concurrently submitting a Terminal Disclaimer addressing this anticipated rejection. Applicant therefore submits that the anticipated rejection over U.S. Patent No. 6,931,407 is moot.

In view of the attached Terminal Disclaimer, Applicant respectfully urges this application is now in immediate condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

By: Thomas L. Evans  
Thomas L. Evans, Reg. No. 35,805

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Date: May 18, 2006

PTO/SB/28 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTIN  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
**005156.00011**In re Application of: **Timothy BROWN**Application No. **09/625,989**Filed: **July 26, 2000****For: A METHOD FOR USING A FLOATING PALLET FOR A DIGITAL ASSET MANAGEMENT SYSTEM  
IN A PLURALITY OF DIFFERENT APPLICATIONS**

The owner, Extensis, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,931,407 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record. Reg. No. 35,805



May 18, 2006

Signature

Date

Thomas L. Evans

Typed or printed name

(503) 425-6800

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460. If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.